

**U.S. Bankruptcy Court  
District of Oregon (Eugene)  
Adversary Proceeding #: 11-06058-fra**

*Assigned to:* Judge Frank R Alley III

*Date Filed:* 03/11/11

*Lead BK Case:* [10-63800](#)

*Lead BK Title:* Minerva B. Miller

*Lead BK Chapter:* 7

*Demand:*

*Nature[s] of Suit:* 91 Declaratory judgment

***Plaintiff***

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**Washington Federal Savings and Loan Association**

represented by **PATRICK W WADE**

POB 1475

Eugene, OR 97440

(541) 686-8511

Email: [hhecfb@hershnerhunter.com](mailto:hhecfb@hershnerhunter.com)

**Patrick Wade**

Hershner Hunter LLP

P.O. Box 1475

Eugene, OR 97440

541-686-8511

LEAD ATTORNEY

V.

***Defendant***

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**Minerva B. Miller**

1151 Old Ferry Rd.

Shady Cove, OR 97539

541-878-3408

SSN / ITIN: xxx-xx-5669

represented by **Minerva B. Miller**

PRO SE

***Defendant***

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**Stephen P. Arnot**

Bullivant Houser Bailey PC

888 SW 5th Ave, Ste. 300

Portland, OR 97204

represented by **Stephen P. Arnot**

PRO SE

***Defendant***

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**Northwest Trustee Services, Inc.**

c/o CT Corporation System

388 State St., Ste. 420

Salem, OR 97301

represented by **JOHN M THOMAS**

621 SW Alder St #800

Portland, OR 97205-3623

(503) 517-7180

Email: [jthomas@rcolegal.com](mailto:jthomas@rcolegal.com)

***Defendant***

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**JP Morgan Chase Bank, NA**

Attn: President

1111 Polaris Parkway

represented by **BRUCE C HAMLIN**

888 SW 5th Ave #900

Portland, OR 97204

Columbus, OH 43240

(503) 224-3113

Email: [bhamlin@martinbischhoff.com](mailto:bhamlin@martinbischhoff.com)

TERMINATED: 06/07/2011

LEAD ATTORNEY

**MICHAEL J FARRELL**

888 SW 5th Ave #900

Portland, OR 97204-2012

(503) 224-3113

Email: [mfarrell@martinbischhoff.com](mailto:mfarrell@martinbischhoff.com)

***Defendant***

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**Gene T. Flory**  
1564 Nevada St.  
Ashland, OR 97520

represented by **Gene T. Flory**  
PRO SE

***Defendant***

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**Joseph L. Perrino**  
70 Dion Ct.  
Bldg. A, Unit 2  
Shady Cove, OR 97539

represented by **Joseph L. Perrino**  
PRO SE

***Defendant***

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**Amber M. Perrino**  
70 Dion Ct.  
Bldg. A, Unit 2  
Shady Cove, OR 97539

represented by **Amber M. Perrino**  
PRO SE

***Defendant***

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**First Tennessee Bank National Association, Inc.**  
c/o CT Corporation System  
388 State St., Ste. 420  
Salem, OR 97301

represented by **First Tennessee Bank National Association, Inc.**  
PRO SE

***Defendant***

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**Vera Silva**  
70 Dion Ct.  
Bldg. A, Unit 4  
Shady Cove, OR 97539

represented by **Vera Silva**  
PRO SE

***Defendant***

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**Response Mortgage Services, Inc.**  
c/o Joel Grayson  
7959 SE Foster Rd.  
Portland, OR 97206

represented by **Response Mortgage Services, Inc.**  
PRO SE

***Defendant***

**RBS Citizens, National Association**  
c/o Corporation Service Company  
11 S. 12th St.  
P.O. Box 1463  
Richmond, VA 23218

represented by **RBS Citizens, National Association**  
PRO SE

***Defendant***  
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**Alan Lee Lynn**  
4746 Antelope Rd.  
White City, OR 97503

represented by **Alan Lee Lynn**  
PRO SE

***Defendant***  
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**Alan Lee Lynn**  
185 Baker Farm Rd.  
Port Angeles, WA 98362

represented by **Alan Lee Lynn**  
PRO SE

***Defendant***  
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**Andre B. Feliciano**  
2927 Ivanhoe Glen  
Madison, WI 53711

represented by **Andre B. Feliciano**  
PRO SE

***Defendant***  
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**Elaina T. Feliciano**  
2927 Ivanhoe Glen  
Madison, WI 53711

represented by **Elaina T. Feliciano**  
PRO SE

***Defendant***  
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**Alysha Ann Jones**  
40 Dion Court  
Bldg. D, Unit 1  
Shady Cove, OR 97539

represented by **Alysha Ann Jones**  
PRO SE

***Defendant***  
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**Mortgage Electronic Registration Systems, Inc.**  
c/o The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

represented by **ROBERT E SABIDO**  
805 SW Broadway - 8th Fl  
Portland, OR 97205  
(503) 323-9000  
Email: [rsabido@cvk-law.com](mailto:rsabido@cvk-law.com)

***Defendant***  
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**EverHome Mortgage Company**  
c/o CT Corporation System  
388 State St., Ste. 420  
Salem, OR 97301

represented by **EverHome Mortgage Company**  
PRO SE

**Defendant**

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**HSBC Mortgage Corporation (USA)**  
 c/o CT Corporation System  
 388 State St #420  
 Salem, OR 97301

represented by **ROBERT E SABIDO**  
 (See above for address)

**Defendant**

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**Stephen P. Arnot**  
 P.O. Box 1963  
 Lake Oswego, OR 97035-0622

represented by **Stephen P. Arnot**  
 PRO SE

**Defendant**

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**PremierWest Bank**  
 c/o Tom Anderson  
 503 Airport Road  
 Medford, OR 97504

represented by **PremierWest Bank**  
 PRO SE

**Defendant**




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**GMAC Mortgage, LLC**  
 c/o Corporation Service Company  
 2711 Centerville Road, Suite 400  
 Wilmington, DE 19808



















represented by **GMAC Mortgage, LLC**  
 PRO SE



















**Trustee**



















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**Stephen P. Arnot, Trustee for Bankruptcy Estate of Minerva B. Miller**

represented by **STEPHEN P ARNOT**  
 1515 SW Fifth Avenue, #600  
 Portland, OR 97201  
 (503) 295-2668  
 Email: [steve.arnot@greenemarkley.com](mailto:steve.arnot@greenemarkley.com)


















Filing Date	#	Docket Text
03/11/2011		Adversary case 11-06058. Commencement of Adversary Proceeding. Nature of Suit:(91 (Declaratory judgment))(WADE, PATRICK) (Entered: 03/11/2011)
03/11/2011	 <a href="#">1</a>	Complaint by Washington Federal Savings and Loan Association against Stephen P. Arnot, EverHome Mortgage Company, Andre B. Feliciano, Elaina T. Feliciano, First Tennessee Bank National Association, Inc., Gene T. Flory, GMAC Mortgage Corporation, HSBC Mortgage Corporation (USA), JP Morgan Chase Bank, NA, Alysha Ann Jones, Alan Lee Lynn, Alan Lee Lynn, Minerva B. Miller, Mortgage Electronic Registration Systems, Inc., Northwest Trustee Services, Inc., Amber M. Perrino, Joseph L. Perrino, PremierWest Bancorp, RBS Citizens, National Association, Response Mortgage Services, Inc., Vera Silva (WADE, PATRICK) (Entered: 03/11/2011)
03/11/2011	2	Receipt of Filing Fee for Complaint(11-06058-fra) [cmp,cmp] ( 250.00). Receipt Number 7087999. (U.S. Treasury) (Entered: 03/11/2011)
03/15/2011	 <a href="#">3</a>	Summons Issued for service on Stephen P. Arnot Date Issued 3/15/2011, Answer Due 4/14/2011; EverHome Mortgage Company Date Issued 3/15/2011, Answer Due 4/14/2011; Andre B. Feliciano

		Date Issued 3/15/2011, Answer Due 4/14/2011; Elaina T. Feliciano Date Issued 3/15/2011, Answer Due 4/14/2011; First Tennessee Bank National Association, Inc. Date Issued 3/15/2011, Answer Due 4/14/2011; Gene T. Flory Date Issued 3/15/2011, Answer Due 4/14/2011; GMAC Mortgage Corporation Date Issued 3/15/2011, Answer Due 4/14/2011; HSBC Mortgage Corporation (USA) Date Issued 3/15/2011, Answer Due 4/14/2011; HSBC Mortgage Corporation (USA) Date Issued 3/15/2011, Answer Due 4/14/2011; JP Morgan Chase Bank NA Date Issued 3/15/2011, Answer Due 4/14/2011; JP Morgan Chase Bank, NA Date Issued 3/15/2011, Answer Due 4/14/2011; Alysha Ann Jones Date Issued 3/15/2011, Answer Due 4/14/2011; Alan Lee Lynn Date Issued 3/15/2011, Answer Due 4/14/2011; Alan Lee Lynn Date Issued 3/15/2011, Answer Due 4/14/2011; Minerva B. Miller Date Issued 3/15/2011, Answer Due 4/14/2011; Mortgage Electronic Registration Systems, Inc. Date Issued 3/15/2011, Answer Due 4/14/2011; Northwest Trustee Services, Inc. Date Issued 3/15/2011, Answer Due 4/14/2011; Amber M. Perrino Date Issued 3/15/2011, Answer Due 4/14/2011; Joseph L. Perrino Date Issued 3/15/2011, Answer Due 4/14/2011; PremierWest Bancorp Date Issued 3/15/2011, Answer Due 4/14/2011; RBS Citizens, National Association Date Issued 3/15/2011, Answer Due 4/14/2011; Response Mortgage Services, Inc. Date Issued 3/15/2011, Answer Due 4/14/2011; Vera Silva Date Issued 3/15/2011, Answer Due 4/14/2011 (rts) (Entered: 03/15/2011)
03/16/2011	 <a href="#">4</a>	Summons Served on Minerva B. Miller 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">5</a>	Summons Served on Stephen P. Arnot 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">6</a>	Summons Served on Northwest Trustee Services, Inc. 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">7</a>	Summons Served on JP Morgan Chase Bank, NA 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">8</a>	Summons Served on Gene T. Flory 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">9</a>	Summons Served on Joseph L. Perrino 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">10</a>	Summons Served on Amber M. Perrino 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">11</a>	Summons Served on First Tennessee Bank National Association, Inc. 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">12</a>	Summons Served on Vera Silva 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">13</a>	Summons Served on Response Mortgage Services, Inc. 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">14</a>	Summons Served on RBS Citizens, National Association 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">15</a>	Summons Served on Alan Lee Lynn 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">16</a>	Summons Served on Alan Lee Lynn 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">17</a>	Summons Served on Andre B. Feliciano 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">18</a>	Summons Served on Elaina T. Feliciano 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">19</a>	Summons Served on Alysha Ann Jones 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">20</a>	Summons Served on Mortgage Electronic Registration Systems, Inc. 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">21</a>	Summons Served on GMAC Mortgage Corporation 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)




















03/16/2011	 <a href="#">22</a>	Summons Served on EverHome Mortgage Company 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">23</a>	Summons Served on HSBC Mortgage Corporation (USA) 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">24</a>	Summons Served on PremierWest Bancorp 3/16/2011 (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">25</a>	Motion for Preliminary Injunction . Filed by Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">26</a>	Memorandum In Support of Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 03/16/2011)
03/16/2011	 <a href="#">27</a>	Affidavit of Melissa Matella Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (Attachments: <a href="#">1</a> Exhibit Exhibit <a href="#">12</a> Exhibit Exhibit <a href="#">23</a> Exhibit Exhibit <a href="#">34</a> Exhibit Exhibit <a href="#">45</a> Certificate of Service) (WADE, PATRICK) (Entered: 03/16/2011)
03/18/2011	 <a href="#">28</a>	Notice of Hearing Re: <a href="#">25</a> Motion for Preliminary Injunction . Hearing Scheduled for 4/1/2011 at 10:30 AM at Courtroom #6, Eugene. (rts) (Entered: 03/18/2011)
03/20/2011	 <a href="#">29</a>	Certificate of Notice Re: <a href="#">28</a> Notice of Hearing Re: <a href="#">25</a> Motion for Preliminary Injunction . Hearing Scheduled for 4/1/2011 at 10:30 AM at Courtroom #6, Eugene. (rts). (Admin.) (Entered: 03/20/2011)
03/21/2011	 <a href="#">30</a>	Summons Served on JP Morgan Chase Bank, NA 3/21/2011 (WADE, PATRICK) (Entered: 03/21/2011)
03/21/2011	 <a href="#">31</a>	Summons Served on First Tennessee Bank National Association, Inc. 3/21/2011 (WADE, PATRICK) (Entered: 03/21/2011)
03/21/2011	 <a href="#">32</a>	Summons Served on RBS Citizens, National Association 3/21/2011 (WADE, PATRICK) (Entered: 03/21/2011)
03/21/2011	 <a href="#">33</a>	Summons Served on Keith Y. Boyd 3/21/2011 (WADE, PATRICK) (Entered: 03/21/2011)
03/21/2011	 <a href="#">34</a>	Summons Served on Stephen P. Arnot 3/21/2011 (WADE, PATRICK) (Entered: 03/21/2011)
03/21/2011	 <a href="#">35</a>	Summons Served on James Miersma 3/21/2011 (WADE, PATRICK) (Entered: 03/21/2011)
03/25/2011	 <a href="#">36</a>	Amended Complaint by PATRICK W WADE on behalf of Washington Federal Savings and Loan Association against PremierWest Bank, GMAC Mortgage, LLC, Stephen P. Arnot, EverHome Mortgage Company, Andre B. Feliciano, Elaina T. Feliciano, First Tennessee Bank National Association, Inc., Gene T. Flory, HSBC Mortgage Corporation (USA), JP Morgan Chase Bank, NA, Alysha Ann Jones, Alan Lee Lynn, Minerva B. Miller, Mortgage Electronic Registration Systems, Inc., Northwest Trustee Services, Inc., Amber M. Perrino, Joseph L. Perrino, RBS Citizens, National Association, Response Mortgage Services, Inc., Vera Silva Re: <a href="#">1</a> Complaint by Washington Federal Savings and Loan Association against Stephen P. Arnot, EverHome Mortgage Company, Andre B. Feliciano, Elaina T. Feliciano, First Tennessee Bank National Association, Inc., Gene T. Flory, GMAC Mortgage Corporation, HSBC Mortgage Corporation filed by Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) Modified on 3/31/2011 (jaa). Corrected Docket Text. (Entered: 03/25/2011)
03/30/2011	 <a href="#">37</a>	Request to Appear by Telephone Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Defendant JP Morgan Chase Bank NA (HAMLIN, BRUCE) (Entered: 03/30/2011)
04/01/2011	 <a href="#">38</a>	Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 04/01/2011)
04/01/2011	 <a href="#">39</a>	Alias Summons Issued for service on GMAC Mortgage, LLC Date Issued 4/1/2011, Answer Due

















		5/2/2011; PremierWest Bank Date Issued 4/1/2011, Answer Due 5/2/2011 (rts) (Entered: 04/01/2011)
04/01/2011	 <a href="#">40</a>	Alias Summons Served on GMAC Mortgage, LLC 4/1/2011 (WADE, PATRICK) (Entered: 04/01/2011)
04/01/2011	 <a href="#">41</a>	Alias Summons Served on PremierWest Bank 4/1/2011 (WADE, PATRICK) (Entered: 04/01/2011)
04/01/2011	 <a href="#">42</a>	Hearing Held. Re: <a href="#">25</a> Motion for Preliminary Injunction. (rts) (Entered: 04/05/2011)
04/06/2011	 <a href="#">43</a>	Answer to Complaint Filed by Northwest Trustee Services, Inc. (THOMAS, JOHN) (Entered: 04/06/2011)
04/06/2011	 <a href="#">44</a>	Corporate Ownership Statement Filed By Defendant Northwest Trustee Services, Inc. (THOMAS, JOHN) (Entered: 04/06/2011)
04/13/2011	 <a href="#">45</a>	Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). Filed by Defendant HSBC Mortgage Corporation (USA) (Attachments: <a href="#">1</a> Affidavit Declaration of Robert E. Sabido) (SABIDO, ROBERT) (Entered: 04/13/2011)
04/14/2011	 <a href="#">46</a>	Answer to Complaint Filed by Stephen P. Arnot (ARNOT, STEPHEN) (Entered: 04/14/2011)
04/14/2011	 <a href="#">47</a>	Unopposed Motion to Extend Time to File Answer and Supporting Document(s). Filed by Defendant JP Morgan Chase Bank, NA (HAMLIN, BRUCE) (Entered: 04/14/2011)
04/14/2011	 <a href="#">48</a>	Order On Stipulation Among Washington Federal Savings, JPMorgan Chase Bank, National Association and Northwest Trustee Services, Inc. re: <a href="#">38</a> Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (jlw) (Entered: 04/14/2011)
04/15/2011	 <a href="#">49</a>	Order Granting <a href="#">45</a> Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). filed by Defendant HSBC Mortgage Corporation (USA) (jlw) (Entered: 04/15/2011)
04/15/2011		HSBC Mortgage Corporation (USA) Answer Deadline Reset for 5/13/2011 (jlw) (Entered: 04/15/2011)
04/16/2011	 <a href="#">50</a>	Certificate of Notice Re: <a href="#">48</a> Order On Stipulation Among Washington Federal Savings, JPMorgan Chase Bank, National Association and Northwest Trustee Services, Inc. re: <a href="#">38</a> Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (jlw). (Admin.) (Entered: 04/16/2011)
04/17/2011	 <a href="#">51</a>	Certificate of Notice Re: <a href="#">49</a> Order Granting <a href="#">45</a> Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). filed by Defendant HSBC Mortgage Corporation (USA) (jlw). (Admin.) (Entered: 04/17/2011)
04/18/2011	 <a href="#">52</a>	Correspondence Re: issuing new summons Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 04/18/2011)
04/19/2011	 <a href="#">53</a>	Alias Summons Issued for service on First Tennessee Bank National Association, Inc. Date Issued 4/19/2011, Answer Due 5/19/2011; JP Morgan Chase Bank, NA Date Issued 4/19/2011, Answer Due 5/19/2011 (rts) (Entered: 04/19/2011)
04/20/2011	 <a href="#">54</a>	Order Granting <a href="#">47</a> Unopposed Motion to Extend Time to File Answer and Supporting Document(s). filed by Defendant JP Morgan Chase Bank, NA (jlw) (Entered: 04/20/2011)
04/20/2011		JP Morgan Chase Bank, NA Answer Deadline Reset for 5/16/2011 (jlw) (Entered: 04/20/2011)
04/22/2011	 <a href="#">55</a>	Certificate of Notice Re: <a href="#">54</a> Order Granting <a href="#">47</a> Unopposed Motion to Extend Time to File Answer and Supporting Document(s). filed by Defendant JP Morgan Chase Bank, NA (jlw). (Admin.) (Entered: 04/22/2011)





04/27/2011	 <a href="#">56</a>	Notice of Intent <i>to Default Certain Defendants</i> Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 04/27/2011)
04/29/2011	 <a href="#">57</a>	Alias Summons Served on First Tennessee Bank National Association, Inc. 4/29/2011 (WADE, PATRICK) (Entered: 04/29/2011)
05/02/2011	 <a href="#">58</a>	Alias Summons Served on RBS Citizens, National Association 5/2/2011 (WADE, PATRICK) (Entered: 05/02/2011)
05/02/2011	 <a href="#">59</a>	Alias Summons Served on JP Morgan Chase Bank, NA 5/2/2011 (WADE, PATRICK) (Entered: 05/02/2011)
05/06/2011	 <a href="#">60</a>	Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). Filed by Defendant Mortgage Electronic Registration Systems, Inc. (Attachments: <a href="#">1</a> Affidavit Declaration of Robert E. Sabido) (SABIDO, ROBERT) (Entered: 05/06/2011)
05/09/2011	 <a href="#">61</a>	Order Granting <a href="#">60</a> Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). filed by Defendant Mortgage Electronic Registration Systems, Inc. (jlw) (Entered: 05/09/2011)
05/10/2011		Mortgage Electronic Registration Systems, Inc. Answer Deadline Reset for 5/13/2011 (jlw) (Entered: 05/10/2011)
05/11/2011	 <a href="#">62</a>	Certificate of Notice Re: <a href="#">61</a> Order Granting <a href="#">60</a> Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). filed by Defendant Mortgage Electronic Registration Systems, Inc. (jlw). (Admin.) (Entered: 05/11/2011)
05/13/2011	 <a href="#">63</a>	Unopposed Motion to Extend Time <i>to File First Appearances</i> and Supporting Document(s). Filed by HSBC Mortgage Corporation (USA), Mortgage Electronic Registration Systems, Inc. Re: <a href="#">45</a> Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). filed by Defendant HSBC Mortgage Corporation (USA), <a href="#">60</a> Unopposed Motion to Extend Time File First Appearance and Supporting Document(s). filed by Defendant Mortgage Electronic Registration Systems, Inc. (SABIDO, ROBERT) (Entered: 05/13/2011)
05/16/2011	 <a href="#">64</a>	Answer to Complaint Filed by JP Morgan Chase Bank, NA (HAMLIN, BRUCE) (Entered: 05/16/2011)
05/16/2011	 <a href="#">65</a>	Corporate Ownership Statement Filed By Defendant JP Morgan Chase Bank, NA (HAMLIN, BRUCE) (Entered: 05/16/2011)
05/16/2011	 <a href="#">66</a>	Order Granting <a href="#">63</a> Unopposed Motion to Extend Time <i>to File First Appearances</i> filed by Defendant HSBC Mortgage Corporation (USA), Defendant Mortgage Electronic Registration Systems, Inc. (rts) (Entered: 05/16/2011)
05/18/2011	 <a href="#">67</a>	Certificate of Notice Re: <a href="#">66</a> Order Granting <a href="#">63</a> Unopposed Motion to Extend Time <i>to File First Appearances</i> filed by Defendant HSBC Mortgage Corporation (USA), Defendant Mortgage Electronic Registration Systems, Inc. (rts). (Admin.) (Entered: 05/18/2011)
05/23/2011	 <a href="#">68</a>	Notice Change of Counsel Address Filed By Defendant Northwest Trustee Services, Inc. (THOMAS, JOHN) (Entered: 05/23/2011)
05/27/2011	 <a href="#">69</a>	Answer to Complaint Filed by HSBC Mortgage Corporation (USA) (SABIDO, ROBERT) (Entered: 05/27/2011)
05/27/2011	 <a href="#">70</a>	Answer to Complaint Filed by Mortgage Electronic Registration Systems, Inc. (SABIDO, ROBERT) (Entered: 05/27/2011)
06/01/2011	 <a href="#">71</a>	Notice of Hearing Re: Pre-Trial Hearing Set for 7/6/2011 at 11:00 AM at Courtroom #6, Eugene. (jlw) (Entered: 06/01/2011)



06/01/2011	 <a href="#">72</a>	Correspondence Re: Request for telephone appearance at Pretrial Hearing to be held on July 6, 2011 Filed By Defendant Northwest Trustee Services, Inc. (THOMAS, JOHN) (Entered: 06/01/2011)
06/01/2011	 <a href="#">73</a>	Alias Summons Served on PremierWest Bank 4/14/2011 (WADE, PATRICK) (Entered: 06/01/2011)
06/02/2011	 <a href="#">74</a>	Motion For Default Order <i>As To Certain Defendants</i> and Supporting Document(s). Filed by Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 06/02/2011)
06/02/2011	 <a href="#">75</a>	Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction, <a href="#">48</a> Order (Miscellaneous) Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 06/02/2011)
06/03/2011	 <a href="#">76</a>	Certificate of Notice Re: <a href="#">71</a> Notice of Hearing Re: Pre-Trial Hearing Set for 7/6/2011 at 11:00 AM at Courtroom #6, Eugene. (jlw). (Admin.) (Entered: 06/03/2011)
06/07/2011	 <a href="#">77</a>	Request to Appear by Telephone Re: <a href="#">71</a> Hearing Set Filed By Defendant JP Morgan Chase Bank, NA (FARRELL, MICHAEL) (Entered: 06/07/2011)
06/07/2011	 <a href="#">78</a>	Substitution of New Attorney Michael J. Farrell For Previous Attorney BRUCE C HAMLIN. Filed By Defendant JP Morgan Chase Bank, NA (FARRELL, MICHAEL) (Entered: 06/07/2011)
06/08/2011	 <a href="#">79</a>	Request to Appear by Telephone Re: Re: <a href="#">71</a> Hearing Set Filed By HSBC Mortgage Corporation (USA), Mortgage Electronic Registration Systems, Inc. (SABIDO, ROBERT) (Entered: 06/08/2011)
06/09/2011	 <a href="#">80</a>	Order Granting <a href="#">74</a> Motion For Default Order <i>As To Certain Defendants</i> and Supporting Document(s). filed by Plaintiff Washington Federal Savings and Loan Association (jlw) (Entered: 06/09/2011)
06/09/2011	 <a href="#">81</a>	Order re: <a href="#">75</a> Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction, <a href="#">48</a> Order (Miscellaneous) Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (jlw) (Entered: 06/09/2011)
06/10/2011	 <a href="#">82</a>	Notice of Intent <i>to Default Certain Defendants</i> Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 06/10/2011)
06/11/2011	 <a href="#">83</a>	Certificate of Notice Re: <a href="#">80</a> Order Granting <a href="#">74</a> Motion For Default Order <i>As To Certain Defendants</i> and Supporting Document(s). filed by Plaintiff Washington Federal Savings and Loan Association (jlw). (Admin.) (Entered: 06/11/2011)
06/11/2011	 <a href="#">84</a>	Certificate of Notice Re: <a href="#">81</a> Order re: <a href="#">75</a> Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction, <a href="#">48</a> Order (Miscellaneous) Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (jlw). (Admin.) (Entered: 06/11/2011)
07/05/2011	 <a href="#">85</a>	Motion For Default Order <i>as to Certain Defendants</i> and Supporting Document(s). Filed by Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 07/05/2011)
07/06/2011	 <a href="#">86</a>	Pretrial Conference Hearing Held. (jlw) (Entered: 07/07/2011)
07/07/2011	 <a href="#">87</a>	Scheduling Order (jlw) (Entered: 07/07/2011)
07/08/2011	 <a href="#">88</a>	Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 07/08/2011)
07/09/2011	 <a href="#">89</a>	Certificate of Notice Re: <a href="#">87</a> Scheduling Order (jlw). (Admin.) (Entered: 07/09/2011)
07/28/2011	 <a href="#">90</a>	Special Notice Request Filed By Creditor RBS Citizens, N.A. (SUTHERLAND, KELLY) (Entered: 07/28/2011)

07/28/2011	 <a href="#">91</a>	Special Notice Request Filed By Creditor Everbank (SUTHERLAND, KELLY) (Entered: 07/28/2011)
08/11/2011	 <a href="#">92</a>	Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 08/11/2011)
08/16/2011	 <a href="#">93</a>	Order re: <a href="#">92</a> Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (jlw) (Entered: 08/16/2011)
08/18/2011	 <a href="#">94</a>	Certificate of Notice Re: <a href="#">93</a> Order re: <a href="#">92</a> Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (jlw). (Admin.) (Entered: 08/18/2011)
08/19/2011	 <a href="#">95</a>	Motion For Summary Judgment Filed by Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 08/19/2011)
08/19/2011	 <a href="#">96</a>	Concise Statement of Material Facts Re: Re: <a href="#">95</a> Motion for Summary Judgment Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 08/19/2011)
08/19/2011	 <a href="#">97</a>	Memorandum In Support of Re: <a href="#">95</a> Motion for Summary Judgment Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 08/19/2011)
08/19/2011	 <a href="#">98</a>	Declaration Re: <a href="#">95</a> Motion for Summary Judgment Filed By Plaintiff Washington Federal Savings and Loan Association (Attachments: <a href="#">1</a> Exhibit <a href="#">22</a> Exhibit <a href="#">13</a> Exhibit <a href="#">34</a> Exhibit <a href="#">45</a> Exhibit Certificate of service) (WADE, PATRICK) (Entered: 08/19/2011)
09/08/2011	 <a href="#">99</a>	Correspondence Re: status conference Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 09/08/2011)
09/13/2011	 <a href="#">100</a>	Correspondence Re: file transfer to US District Court Filed By Judge Frank Alley. (rts) (Entered: 09/13/2011)
09/13/2011	 <a href="#">101</a>	Memorandum and Order re: Stern Procedures (rts) (Entered: 09/13/2011)
09/15/2011	 <a href="#">102</a>	Certificate of Notice Re: <a href="#">101</a> Memorandum and Order re: Stern Procedures (rts). (Admin.) (Entered: 09/15/2011)
10/05/2011	 <a href="#">103</a>	Stipulation Re: Re: <a href="#">25</a> Motion for Preliminary Injunction Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 10/05/2011)
10/07/2011	 <a href="#">104</a>	Order On Fifth Stipulation Among Washington Federal Savings, JPMorgan Chase Bank, National Association, and Northwest Trustee Services Inc. (jlw) (Entered: 10/07/2011)
10/09/2011	 <a href="#">105</a>	Certificate of Notice Re: <a href="#">104</a> Order On Fifth Stipulation Among Washington Federal Savings, JPMorgan Chase Bank, National Association, and Northwest Trustee Services Inc. (jlw). (Admin.) (Entered: 10/09/2011)
10/26/2011	 <a href="#">106</a>	Stipulation for Entry of Judgment Filed By Plaintiff Washington Federal Savings and Loan Association (WADE, PATRICK) (Entered: 10/26/2011)
11/03/2011	 <a href="#">107</a>	Proposed for consideration by USDC - Findings of Fact and Conclusions of Law Re: <a href="#">1</a> Complaint by Washington Federal Savings and Loan Association against Stephen P. Arnot, EverHome Mortgage Company, Andre B. Feliciano, Elaina T. Feliciano, First Tennessee Bank National Association, Inc., Gene T. Flory, GMAC Mortgage Corporation, HSBC Mortgage Corporation (USA), JP Morgan Chase Bank, NA, Alysha Ann Jones, Alan Lee Lynn, Alan Lee Lynn, Minerva B. Miller, Mortgage Electronic Registration Systems, Inc., Northwest Trustee Services, Inc., Amber M. Perrino, Joseph L. Perrino, PremierWest Bancorp, RBS Citizens, National Association, Response Mortgage Services, Inc., Vera Silva (WADE, PATRICK) Objections due by 11/21/2011. (jlw) (Entered: 11/03/2011)

11/03/2011	 <a href="#">108</a>	Proposed for consideration by USDC - Judgment <a href="#">1</a> Complaint by Washington Federal Savings and Loan Association against Stephen P. Arnot, EverHome Mortgage Company, Andre B. Feliciano, Elaina T. Feliciano, First Tennessee Bank National Association, Inc., Gene T. Flory, GMAC Mortgage Corporation, HSBC Mortgage Corporation (USA), JP Morgan Chase Bank, NA, Alysha Ann Jones, Alan Lee Lynn, Alan Lee Lynn, Minerva B. Miller, Mortgage Electronic Registration Systems, Inc., Northwest Trustee Services, Inc., Amber M. Perrino, Joseph L. Perrino, PremierWest Bancorp, RBS Citizens, National Association, Response Mortgage Services, Inc., Vera Silva (WADE, PATRICK) (jlw) (Entered: 11/03/2011)
11/03/2011	 109	Notice of Transfer to District Court Re: <a href="#">1</a> Complaint, <a href="#">103</a> Stipulation, <a href="#">104</a> Order on Motion For Preliminary Injunction, <a href="#">106</a> Stipulation for Entry of Judgment, <a href="#">107</a> Findings of Fact and Conclusions of Law, <a href="#">108</a> Judgment (jlw) (Entered: 11/03/2011)

1 Patrick W. Wade, OSB 843725  
HERSHNER HUNTER, LLP  
2 180 E. 11th Avenue  
P.O. Box 1475  
3 Eugene, OR 97440  
Telephone: (541) 686-8511  
4 Facsimile: (541) 344-2025

5 Of Attorneys for Washington Federal Savings  
6  
7  
8  
9

10 UNITED STATES BANKRUPTCY COURT  
11 FOR THE DISTRICT OF OREGON

12 In re:

13 Minerva B. Miller;

14 Debtor(s).

Case No. 10-63800-fra7

15  
16 Washington Federal Savings and Loan  
Association,

17 Plaintiff,

18 v.

19 Minerva B. Miller et al,

20 Defendants.  
21

Adv. Pro. No. 11-06058-fra

FIFTH STIPULATION AMONG  
WASHINGTON FEDERAL SAVINGS,  
JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AND  
NORTHWEST TRUSTEE SERVICES,  
INC.

22 Recitals:

23 1. Plaintiff Washington Federal Savings and Loan Association ("Plaintiff") has filed  
24 a motion for a preliminary injunction (the "Motion") for the purpose of enjoining Defendants JP  
25 Morgan Chase Bank, National Association ("Chase"), and Northwest Trustee Services, Inc.  
26 ("NWT"), from completing foreclosure sales of certain real property under two trust deeds more

1 specifically described in the Motion (docket #25 in this adversary proceeding) and in the  
2 attached Exhibit A pending resolution of the claims in this matter.

3         2.       A hearing on the Motion was originally scheduled for April 1, 2011. The parties  
4 to this stipulation had previously stipulated on four occasions that no foreclosure would occur  
5 before various dates, the most recent of which set forth in the Fourth Stipulation dated August 11  
6 extended the date after which a foreclosure might ensue to October 11.

7         3.       The parties to this stipulation wish to extend the time periods set forth in the  
8 fourth stipulation.

9  
10       WHEREFORE the parties agree as follows:

11       1.       Plaintiff will request the court to maintain the current status with the hearing off  
12 calendar subject to the following.

13       2.       Chase and NWT agree that neither of them will complete foreclosure of either of  
14 the trust deeds described in the Motion after the termination of the stay under the orders referred  
15 to above until on or after the earlier of (a) December 16, 2011 or (b) if a final judgment has been  
16 entered in this matter, the date specified in such final judgment.

17       3.       If the claims in this matter have not been resolved by December 2, 2011, Plaintiff  
18 may cause the court to schedule another hearing on the Motion.

19       4.       If the court cannot accommodate a hearing on the Motion before December 16,  
20 2011, Chase and NWT agree to further postpone any pending foreclosure sale until after the  
21 court completes the hearing on the Motion and issues an order thereon.

22       5.       Plaintiff agrees not to foreclose upon Lot 6 of VICTORIA COURT  
23 SUBDIVISION to the City of Shady Cove, Oregon, according to the Official Plat thereof,  
24 recorded in Volume 19, Page 39, Plat Records, under its trust deed recorded in the Jackson  
25 County, Oregon real property records, Instrument Number 96-15241 on May 10, 1996, during  
26 the same time periods.

6. This stipulation may be executed in counterparts and becomes effective upon the execution of a counterpart thereof by counsel for each party.

7. Plaintiff may file this stipulation with the court and may cause a copy of this stipulation to be recorded in the official records of Jackson County, Oregon.

DATED October 5, 2011.

HERSHNER HUNTER, LLP

By /s/*Patrick W. Wade*  
Patrick W. Wade, OSB 843725  
Of Attorneys for Washington Federal Savings

DATED October 4, 2011.

MARTIN, BISCHOFF, TEMPLETON,  
LANGSLET & HOFFMAN LLP

By /s/**Michael J. Farrell**  
Michael J. Farrell, OSB 902587  
Of Attorneys for JP Morgan Chase Bank,  
National Association

DATED October 5, 2011.

ROUTH CRABTREE OLSEN, P.C.

By /s/John M. Thomas  
John M. Thomas, OSB 024691  
Of Attorneys for Northwest Trustee Services,  
Inc.

EXHIBIT A

**Trust Deed #1:**

Grantor/Trustor: Dion H. Miller and Minerva B. Miller, as tenants by the entirety  
Grantee/Beneficiary: Washington Mutual Bank  
Trustee: Oregon Title Insurance Company, an Oregon corporation  
Amount: \$188,000.00  
Dated: January 25, 2000  
Recorded: January 28, 2000  
Recording Information: 00-03481

Lot 2 of VICTORIA COURT SUBDIVISION to the City of Shady Cove, Oregon, according to the Official Plat thereof, recorded in Volume 19, Page 39, Plat Records.

**Trust Deed #2:**

Grantor/Trustor: Dion H. Miller and Minerva B. Miller, as tenants by the entirety  
Grantee/Beneficiary: Washington Mutual Bank  
Trustee: Oregon Title Insurance Company, an Oregon corporation  
Amount: \$188,000.00  
Dated: January 25, 2000  
Recorded: January 28, 2000  
Recording Information: 00-03482

Lot 5 of VICTORIA COURT SUBDIVISION to the City of Shady Cove, Oregon, according to the Official Plat thereof, recorded in Volume 19, Page 39, Plat Records.



CERTIFICATE OF SERVICE

Pursuant to LBR 7005-1(g), I certify that I have made contemporaneous paper service of this document on the following parties:

Kelly Sutherland  
Shapiro & Sutherland, L.L.C.  
5501 NE 109th Court, Suite N  
Vancouver, WA 98662

Dated: October 5, 2011.

HERSHNER HUNTER, LLP

*/s/Patrick W. Wade*

By \_\_\_\_\_  
Patrick W. Wade, OSB No. 843725  
Of Attorneys for Washington Federal Savings

Below is an Order of the Court.



FRANK R. ALLEY  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re:

Minerva B. Miller;

Debtor(s).

Case No. 10-63800-fra7

Washington Federal Savings and Loan  
Association,

Plaintiff,

v.

Minerva B. Miller et al,

Defendants.

Adv. Pro. No. 11-06058-fra

ORDER ON FIFTH STIPULATION  
AMONG WASHINGTON FEDERAL  
SAVINGS, JPMORGAN CHASE  
BANK, NATIONAL ASSOCIATION,  
AND NORTHWEST TRUSTEE  
SERVICES, INC.

This matter came before the court on April 1, 2011, on the Motion by Plaintiff Washington Federal Savings and Loan Association for a preliminary injunction (Docket No. 25) (the "Motion"). At that time counsel presented a stipulation among Plaintiff, Defendant JP Morgan Chase Bank National Association, and Defendant Northwest Trustee Services, Inc., filed herein as Docket No. 38 (the "First Stipulation"), and the court approved that First Stipulation by

1 order entered April 14, 2011, as Docket No. 48. Those parties presented a Second Stipulation,  
2 filed herein as Docket No. 75 (the "Second Stipulation"), and the court approved that Second  
3 Stipulation by order entered June 9, 2011, as Docket No. 81. Those parties presented a Third  
4 Stipulation, filed herein as Docket No. 88 (the "Third Stipulation"). Those parties presented a  
5 Fourth Stipulation, filed herein as Docket No. 92. Those parties having filed a Fifth Stipulation  
6 extending the deadlines previously established (Fifth Stipulation, Docket No. 103),  
7

8 NOW THEREFORE IT IS ORDERED that the Fifth Stipulation is approved and the  
9 hearing on the Motion remains off calendar, subject to being re-noticed for hearing upon the  
10 request of any party to the Fifth Stipulation.

11 # # #  
12

13 PRESENTED BY:

14 HERSHNER HUNTER, LLP

15 */s/Patrick W. Wade*

16 Patrick W. Wade, OSB 843725  
17 Of Attorneys for Washington Federal Savings  
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CERTIFICATE OF SERVICE

Pursuant to LBR 7005-1(g), I certify that I have made contemporaneous paper service of this document on the following parties:

Kelly Sutherland  
Shapiro & Sutherland, L.L.C.  
5501 NE 109th Court, Suite N  
Vancouver, WA 98662

Dated: October 5, 2011.

HERSHNER HUNTER, LLP

*/s/Patrick W. Wade*

By \_\_\_\_\_  
Patrick W. Wade, OSB No. 843725  
Of Attorneys for Washington Federal Savings

1 Patrick W. Wade, OSB 843725  
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4 Facsimile: (541) 344-2025

5 Of Attorneys for Washington Federal Savings  
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10 UNITED STATES BANKRUPTCY COURT  
11 FOR THE DISTRICT OF OREGON

12 In re:

13 Minerva B. Miller;

14 Debtor(s).

Case No. 10-63800-fra7

15  
16 Washington Federal Savings and Loan  
Association,

17 Plaintiff,

18 v.

19 Minerva B. Miller et al,

20 Defendants.  
21

Adv. Pro. No. 11-06058-fra

STIPULATION FOR ENTRY OF  
JUDGMENT

22 Recitals:

23 1. Plaintiff Washington Federal Savings and Loan Association ("Plaintiff") has filed  
24 this action for declaratory and other relief.

25 2. Orders of default have been entered against all named defendants except for the  
26 defendants who are stipulating to relief below.

1 WHEREFORE the parties agree as follows:

2 1. The Bankruptcy Court should make the findings of fact and conclusions of law  
3 which are set out in the attached Exhibit A, including the recommendation to enter a form of  
4 judgment set out as Exhibit 1 thereto.

5 2. This stipulation may be executed in counterparts and becomes effective upon the  
6 execution of a counterpart thereof by counsel for each party.

7 3. Plaintiff may file this stipulation with the court and ask the court to enter findings,  
8 conclusions, and a recommendation consistent herewith.

9  
10 DATED October 26, 2011.

11 HERSHNER HUNTER, LLP

12  
13 By /s/ **Patrick W. Wade**  
14 Patrick W. Wade, OSB 843725  
15 Of Attorneys for Washington Federal Savings

16  
17 DATED October 26, 2011.

18 MARTIN, BISCHOFF, TEMPLETON,  
19 LANGSLET & HOFFMAN LLP

20 By /s/ **Michael J. Farrell**  
21 Michael J. Farrell, OSB 902587  
22 Of Attorneys for JP Morgan Chase Bank, NA.,  
23 as acquirer of certain assets and liabilities of  
24 Washington Mutual Bank from the Federal  
25 Deposit Insurance Corporation as Receiver for  
26 Washington Mutual Bank, named herein as  
JPMorgan Chase Bank National Association

1 DATED October 24, 2011.

2 ROUTH CRABTREE OLSEN, P.C.

3  
4  
5 By /s/ **John M. Thomas**  
6 John M. Thomas, OSB 024691  
7 Of Attorneys for Northwest Trustee Services,  
8 Inc.

9 DATED October 25, 2011.

10 GREENE & MARKLEY, P.C.

11  
12 By /s/ **Stephen P. Arnot**  
13 Stephen P. Arnot, OSB 070765  
14 Of Attorneys for Ch. 7 Trustee

15  
16 DATED October 24, 2011.

17 SHAPIRO & SUTHERLAND, LLC

18  
19 By /s/ **Cara Richter**  
20 Kelly D. Sutherland, OSB 873575  
21 Cara Richter, OSB 094855  
22 Of Attorneys for RBS Citizens National  
23 Association and EverHome Mortgage Company  
24  
25  
26



1 DATED October 25, 2011.

2 COSGRAVE VERGEER KESTER LLP

3  
4  
5 By /s/ **Robert E. Sabido**  
6 Robert E. Sabido, OSB 964168  
7 Of Attorneys for Mortgage Electronic  
8 Registration Systems, Inc., and HSBC Mortgage  
9 Corporation (USA)  
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10 UNITED STATES BANKRUPTCY COURT  
11 FOR THE DISTRICT OF OREGON

12 In re:

13 Minerva B. Miller;

14 Debtor(s).

Case No. 10-63800-fra7

15 Adv. Pro. No. 11-06058-fra

16 Washington Federal Savings and Loan  
17 Association,

18 Plaintiff,

19 v.

[PROPOSED] FINDINGS OF FACT  
AND CONCLUSIONS OF LAW

20 Minerva B. Miller; Stephen P. Arnot, Trustee  
21 of the Bankruptcy Estate of Minerva B.  
22 Miller; Northwest Trustee Services, Inc., a  
23 Washington corporation; JP Morgan Chase  
24 Bank, National Association; Gene T. Flory,  
25 Trustee of the Jacqueline M. Flory and Gene  
26 T. Flory Living Trust; Joseph L. Perrino;  
Amber M. Perrino; First Tennessee Bank  
National Association; Vera Silva; Response  
Mortgage Services, Inc. a Washington  
corporation; RBS Citizens, National  
Association; Alan Lee Lynn; Andre B.  
Feliciano; Elaina T. Feliciano; Alysha Ann  
Jones; Mortgage Electronic Registration

1 Systems, Inc., a Delaware corporation;  
2 GMAC Mortgage, LLC, a Delaware Limited  
3 Liability Company, successor by merger to  
4 GMAC Mortgage Corporation; EverHome  
5 Mortgage Company, a Florida corporation;  
6 HSBC Mortgage Corporation (USA), a  
7 Delaware corporation; and PremierWest  
8 Bank, an Oregon Chartered Commercial  
9 Bank,

10 Defendants.

11 It appearing that orders of default have been entered against Defendants Minerva B.  
12 Miller, Gene T. Flory, Joseph L. Perrino, Amber M. Perrino, Vera Silva, Response Mortgage  
13 Services, Inc., Alan Lee Lynn, Andre B. Feliciano, Elaina T. Feliciano, Alysha Ann Jones, First  
14 Tennessee Bank National Association, GMAC Mortgage, LLC and PremierWest Bank, and the  
15 remaining parties having stipulated to these findings of fact, conclusions of law, and  
16 recommendation to the District Court; the court makes the following findings of fact and  
17 conclusions of law and recommends entry of final judgment in the form attached hereto as  
18 Exhibit 1.

19 Findings of fact:

20 1. On or about April 23, 1996, the Debtor Minerva Miller and Debtor's late husband  
21 granted Washington Federal Savings and Loan Association ("WFS") a trust deed on "Lot 6 of  
22 the Victoria Court Subdivision, Shady Cove, Oregon, according to the official plat thereof, now  
23 of record," and such trust deed was recorded in the Jackson County, Oregon real property  
24 records, Instrument Number 96-15241 on May 10, 1996 ("WFS Trust Deed"). That trust deed  
25 was given to secure a promissory note of even date in the original principal amount of  
26 \$204,000.00. WFS is the owner and holder of that note and of the beneficial interest in the WFS  
Trust Deed.

1           2.       On or about January 25, 2000, the Debtor and Debtor's late husband granted  
2 Washington Mutual Bank two trust deeds one each on Lot 2 and Lot 5 of the Victoria Court  
3 Subdivision, Shady Cove, Jackson County, Oregon, and such trust deeds were recorded in the  
4 Jackson County, Oregon real property records, Instrument Numbers 00-03481 and 00-03482 (the  
5 "JP Trust Deeds") on January 28, 2000. Those trust deeds were given to secure promissory notes  
6 of even date in the original principal amounts of \$188,000.00 each.

7           3.       JP Morgan Chase Bank, N.A., as acquirer of certain assets and liabilities of  
8 Washington Mutual Bank from the Federal Deposit Insurance Corporation as Receiver for  
9 Washington Mutual Bank, named herein as JPMorgan Chase Bank National Association  
10 ("JPMorgan") is the holder of those notes and the successor beneficiary of the JP Trust Deeds.  
11

12           4.       On December 29, 2004, after approval by the Oregon Real Estate Agency, a  
13 Declaration of Condominium Ownership for Victoria Court Condominiums (the "Declaration"<sup>1</sup>)  
14 was recorded in the official records of Jackson County, Oregon, as Instrument Number 2004-  
15 075174, by Dion H. Miller, Minerva B. Miller, Alan L. Lynn, Andre B. Feliciano and Elaina T.  
16 Feliciano as Declarants.

17           5.       Thereafter, the real property formerly known as Lots 1, 2, 4, 5, and 6 of Victoria  
18 Court Subdivision became subject to the condominium form of ownership and became known as  
19 the Victoria Court Condominiums ("Condominium").  
20

21           6.       The portions of Lots 1, 2, 4, 5, and 6 of Victoria Court Subdivision other than the  
22 buildings became the common areas of the Condominium.

23           7.       Pursuant to the Declaration, owners of each Condominium unit in each building  
24 became the owners of: (1) their respective unit; and (2) an undivided fractional ownership of the  
25

26           <sup>1</sup> The defined term "Declaration" includes any amendments to the Declaration.

1 general common elements of the condominium and of those limited common elements  
2 appurtenant to the specific unit, as set forth in the Declaration and any subsequent amendments  
3 thereto.

4 8. WFS and Washington Mutual Bank consented to the Declaration and the  
5 formation of the Condominium and such consent was recorded in the Jackson County real  
6 property records, Instrument Numbers 2004-018232, 2004-033493 and 2004-033494  
7 (collectively, the "Consent").  
8

9 9. After the Declaration was recorded, several subsequent purchasers and secured  
10 parties acquired interests in Condominium units and those common elements located on Lots 2, 5  
11 and 6 of the prior subdivision.

12 10. The subsequently recorded deeds describe each respective interest in terms of  
13 units in a condominium, not lots in a subdivision.  
14

15 11. On April 13, 2010, Defendant Northwest Trustee Services, Inc., as trustee of the  
16 JP Trust Deeds, recorded notices of default and elections to sell Lots 2 and 5 of the Victoria  
17 Court Subdivision, initiating the non-judicial foreclosure of the JP Trust Deeds.

18 12. Because the property descriptions provided in the JP Trust Deeds describe the  
19 scope of the encumbrances in terms of lots, instead of individual units with associated interests in  
20 the common elements, the other parties with an interest in those common elements located on  
21 former Lots 2 and 5 will be foreclosed and the Condominium will effectively be terminated if JP  
22 Morgan concludes its pending non-judicial foreclosures.  
23

24 Conclusions of law:

25 1. This court has subject matter jurisdiction over this matter pursuant to 28 U.S.C.  
26 §§ 157, 1334, United States District Court Local Rule 2100.0, and FRBP 7001. Venue is proper

pursuant to 28 U.S.C. § 1409.

2. Under the recently announced decision in *Stern v. Marshall* 564 U.S. \_\_\_, 131 S.Ct. 2594, 2011 WL 2472792, 180 L.Ed.2d 475 (2011), this bankruptcy court may not enter a final judgment in this matter because it is a matter of state law that has not been resolved in the process of ruling on federal bankruptcy issues.

3. Declaratory relief is appropriate because the parties are in an actual controversy regarding the effect of the Consent on the WFS and JP Trust Deeds.

4. Where a condominium agreement is recorded and a pre-existing mortgage exists, the effect of the consent by a pre-existing mortgage holder is to subordinate its interest to the condominium agreement, thereby changing the pre-existing mortgage holder's property interest to reflect the condominium form of ownership. Therefore, the effect of the Consent is to subordinate the WFS and JP Trust Deeds to the Declaration. Such subordination shall change the property interests secured by the WFS and JP Trust Deeds to reflect the condominium form of ownership, as described in the Declaration and as more specifically described in the proposed form of judgment.

Scheduling Order:

These findings and recommendations will be referred to a district judge. Objections, if any, are due \_\_\_\_\_, 2011. If no objections are filed, then the findings and recommendations will go under advisement on that date. If objections are filed, then responses are due 14 days after being served with a copy of the objections. When the responses are due or filed, whichever date is earlier, the finding and recommendations will go under advisement.

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10 UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF OREGON

12 In re:

13 Minerva B. Miller;

14 Debtor(s).

District Court Case No. \_\_\_\_\_

15 \_\_\_\_\_  
16 Washington Federal Savings and Loan  
17 Association,

18 Plaintiff,

Bankruptcy Case No. 10-63800-fra7

Adv. Pro. No. 11-06058-fra

19 v.

[PROPOSED] JUDGMENT

20 Minerva B. Miller; Stephen P. Arnot, Trustee  
21 of the Bankruptcy Estate of Minerva B.  
22 Miller; Northwest Trustee Services, Inc., a  
23 Washington corporation; JP Morgan Chase  
24 Bank, National Association; Gene T. Flory,  
25 Trustee of the Jacqueline M. Flory and Gene  
26 T. Flory Living Trust; Joseph L. Perrino;  
Amber M. Perrino; First Tennessee Bank  
National Association; Vera Silva; Response  
Mortgage Services, Inc. a Washington  
corporation; RBS Citizens, National  
Association; Alan Lee Lynn; Andre B.  
Feliciano; Elaina T. Feliciano; Alysha Ann  
Jones; Mortgage Electronic Registration



1 Systems, Inc., a Delaware corporation;  
2 GMAC Mortgage, LLC, a Delaware Limited  
3 Liability Company, successor by merger to  
4 GMAC Mortgage Corporation; EverHome  
5 Mortgage Company, a Florida corporation;  
6 HSBC Mortgage Corporation (USA), a  
7 Delaware corporation; and PremierWest  
8 Bank, an Oregon Chartered Commercial  
9 Bank,

10 Defendants.

11 The District Court, upon review of the record and the Bankruptcy Court's findings of fact  
12 and conclusions of law, no timely objection having been made, adopts the Bankruptcy Court's  
13 recommendations and hereby enters final judgment as follows:

14 1. IT IS DECLARED that the consequence of the execution by Washington Federal  
15 Savings and Loan Association of that certain Consent Agreement to Convert Real Property to  
16 Condominiums recorded in the Jackson County, Oregon, real property records as Instrument  
17 Number 2004-018232 was to substitute for the original property described in that certain Deed of  
18 Trust, recorded in the Jackson County, Oregon, real property records as Instrument Number 96-  
19 15241 and related to the property with the street address 20 Dion Court, Shady Cove, Oregon  
20 97539 (the "WFS Trust Deed"), the corresponding portions of the condominium property. The  
21 WFS Trust Deed is hereby declared to have been modified as follows: The legal description  
22 provided in Exhibit A to the WFS Trust Deed, which originally described "Lot 6 of Victoria  
23 Court Subdivision to the City of Shady Cove, Oregon, according to the official plat thereof, now  
24 of record" is deleted in its entirety and replaced with the following:

25 Units 17, 18, 19 and 20, Building F of the Victoria Court  
26 Condominiums, in the City of Shady Cove, Jackson County,  
Oregon, according to the official plat thereof, recorded in Volume  
30, page 78, Plat Records, as set forth in Condominium  
Declaration recorded December 29, 2004 as No. 2004-075174,  
Official Records; together with those limited common elements  
appurtenant to said Units as set forth in the Declaration; and  
together with an undivided fractional ownership of the general  
common elements of said Condominium as set forth in the

1 Declaration and in any subsequent amendments thereto as  
2 appurtenant to said Units.

3 2. IT IS DECLARED that the consequence of the execution by Washington Mutual  
4 Bank of that certain Consent Agreement to Convert Real Property to Condominiums recorded in  
5 the Jackson County, Oregon, real property records as Instrument Number 2004-033493 was to  
6 substitute for the original property described in that certain Deed of Trust, recorded in the  
7 Jackson County, Oregon, real property records as Instrument Number 00-03481 and related to  
8 the property with the street address 60 Dion Court , Shady Cove, Oregon 97539 (the "JP Trust  
9 Deed 3481"), the corresponding portions of the condominium property. The JP Trust Deed 3481  
10 is hereby declared to have been modified as follows: The legal description of the property in JP  
11 Trust Deed 3481, which originally described "Lot Two (2) of Victoria Court Subdivision to the  
12 City of Shady Cove, Oregon, according to the Official Plat Thereof, now of record," is deleted in  
13 its entirety and replaced with the following:

14 Units 5, 6, 7 and 8, Building B of the Victoria Court Condominiums,  
15 in the City of Shady Cove, Jackson County, Oregon, according to the  
16 official plat thereof, recorded in Volume 30, page 78, Plat Records, as  
17 set forth in Condominium Declaration recorded December 29, 2004 as  
18 No. 2004-075174, Official Records; together with those limited  
19 common elements appurtenant to said Units as set forth in the  
20 Declaration; and together with an undivided fractional ownership of  
21 the general common elements of said Condominium as set forth in the  
22 Declaration and in any subsequent amendments thereto as appurtenant  
23 to said Units.

24 3. IT IS DECLARED that the consequence of the execution by Washington Mutual  
25 Bank of that certain Consent Agreement to Convert Real Property to Condominiums recorded in  
26 the Jackson County, Oregon, real property records as Instrument Number 2004-033494 was to  
substitute for the original property described in that certain Deed of Trust, recorded in the  
Jackson County, Oregon, real property records as Instrument Number 00-03482 and related to  
the property with the street address 30 Dion Court , Shady Cove, Oregon 97539 (the "JP Trust  
Deed 3482"), the corresponding portions of the condominium property. The JP Trust Deed 3482

1 is hereby declared to have been modified as follows: The legal description of the property in JP  
2 Trust Deed 3482, which originally described "Lot Five (5) of Victoria Court Subdivision to the  
3 City of Shady Cove, Oregon, according to the Official Plat Thereof, now of record," is deleted in  
4 its entirety and replaced with the following:

5 Units 13, 14, 15, and 16, Building E of the Victoria Court  
6 Condominiums, in the City of Shady Cove, Jackson County, Oregon,  
7 according to the official plat thereof, recorded in Volume 30, page 78,  
8 Plat Records, as set forth in Condominium Declaration recorded  
9 December 29, 2004 as No. 2004-075174, Official Records; together  
10 with those limited common elements appurtenant to said Units as set  
11 forth in the Declaration; and together with an undivided fractional  
12 ownership of the general common elements of said Condominium as  
13 set forth in the Declaration and in any subsequent amendments thereto  
14 as appurtenant to said Units.

11 4. IT IS DECLARED that the changes set forth above are effective as of the original  
12 date of recording of the Condominium Declaration recorded December 29, 2004 as Instrument  
13 No. 2004-075174 in the Jackson County, Oregon, real property records.

14 5. IT IS DECLARED that the WFS Trust Deed, the JP Trust Deed 3481 and the JP  
15 Trust Deed 3482, as declared amended herein, remain in full force and effect. The priority of  
16 each such trust deed with respect to other encumbrances on the condominium units and the  
17 undivided interests in the condominium common elements allocated to those units is the same as  
18 each had on the subdivision lots originally described in those trust deeds before recording of the  
19 Condominium Declaration described above.

20 6. Any enforcement of any beneficiary's rights under the WFS Trust Deed, the JP  
21 Trust Deed 3481 or the JP Trust Deed 3482 shall only be taken in a manner consistent with the  
22 foregoing declaratory relief.

23 7. Plaintiff shall record a copy of this Judgment in the Jackson County, Oregon real  
24 property records.

25 8. Each party shall bear its own costs, disbursements, and fees

26 # # #

1 Presented by:  
2 HERSHNER HUNTER, LLP

3  
4 By: \_\_\_\_\_  
5 Patrick W. Wade, OSB 843725  
6 Of Attorneys for Plaintiff  
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CERTIFICATE OF SERVICE

Pursuant to LBR 7005-1(g), I certify that no contemporaneous paper service of this document is required on any party.

Dated: October 26, 2011.

HERSHNER HUNTER, LLP

*/s/Patrick W. Wade*

By \_\_\_\_\_  
Patrick W. Wade, OSB No. 843725  
Of Attorneys for Washington Federal Savings


November 03, 2011

Clerk, U.S. Bankruptcy Court

The Bankruptcy Court's Findings of Fact and Conclusions of Law are hereby approved.

\_\_\_\_\_  
U.S. District Judge

Below are the Bankruptcy Court's Proposed Findings of Fact and Conclusions of Law which are recommended for approval.

  
FRANK R. ALLEY  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In re:

Minerva B. Miller;

Debtor(s).

Case No. 10-63800-fra7

Adv. Pro. No. 11-06058-fra

Washington Federal Savings and Loan Association,

Plaintiff,

v.

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

Minerva B. Miller; Stephen P. Arnot, Trustee of the Bankruptcy Estate of Minerva B. Miller; Northwest Trustee Services, Inc., a Washington corporation; JP Morgan Chase Bank, National Association; Gene T. Flory, Trustee of the Jacqueline M. Flory and Gene T. Flory Living Trust; Joseph L. Perrino; Amber M. Perrino; First Tennessee Bank National Association; Vera Silva; Response Mortgage Services, Inc. a Washington corporation; RBS Citizens, National Association; Alan Lee Lynn; Andre B. Feliciano; Elaina T. Feliciano; Alysha Ann Jones; Mortgage Electronic Registration

1 Systems, Inc., a Delaware corporation;  
2 GMAC Mortgage, LLC, a Delaware Limited  
3 Liability Company, successor by merger to  
4 GMAC Mortgage Corporation; EverHome  
5 Mortgage Company, a Florida corporation;  
6 HSBC Mortgage Corporation (USA), a  
7 Delaware corporation; and PremierWest  
8 Bank, an Oregon Chartered Commercial  
9 Bank,

10 Defendants.

11 It appearing that orders of default have been entered against Defendants Minerva B.  
12 Miller, Gene T. Flory, Joseph L. Perrino, Amber M. Perrino, Vera Silva, Response Mortgage  
13 Services, Inc., Alan Lee Lynn, Andre B. Feliciano, Elaina T. Feliciano, Alysha Ann Jones, First  
14 Tennessee Bank National Association, GMAC Mortgage, LLC and PremierWest Bank, and the  
15 remaining parties having stipulated to these findings of fact, conclusions of law, and  
16 recommendation to the District Court; the court makes the following findings of fact and  
17 conclusions of law and recommends entry of final judgment in the form attached hereto as  
18 Exhibit 1.

19 Findings of fact:

20 1. On or about April 23, 1996, the Debtor Minerva Miller and Debtor's late husband  
21 granted Washington Federal Savings and Loan Association ("WFS") a trust deed on "Lot 6 of  
22 the Victoria Court Subdivision, Shady Cove, Oregon, according to the official plat thereof, now  
23 of record," and such trust deed was recorded in the Jackson County, Oregon real property  
24 records, Instrument Number 96-15241 on May 10, 1996 ("WFS Trust Deed"). That trust deed  
25 was given to secure a promissory note of even date in the original principal amount of  
26 \$204,000.00. WFS is the owner and holder of that note and of the beneficial interest in the WFS  
Trust Deed.



1           2.       On or about January 25, 2000, the Debtor and Debtor's late husband granted  
2 Washington Mutual Bank two trust deeds one each on Lot 2 and Lot 5 of the Victoria Court  
3 Subdivision, Shady Cove, Jackson County, Oregon, and such trust deeds were recorded in the  
4 Jackson County, Oregon real property records, Instrument Numbers 00-03481 and 00-03482 (the  
5 "JP Trust Deeds") on January 28, 2000. Those trust deeds were given to secure promissory notes  
6 of even date in the original principal amounts of \$188,000.00 each.

7           3.       JP Morgan Chase Bank, N.A., as acquirer of certain assets and liabilities of  
8 Washington Mutual Bank from the Federal Deposit Insurance Corporation as Receiver for  
9 Washington Mutual Bank, named herein as JPMorgan Chase Bank National Association  
10 ("JPMorgan") is the holder of those notes and the successor beneficiary of the JP Trust Deeds.  
11

12           4.       On December 29, 2004, after approval by the Oregon Real Estate Agency, a  
13 Declaration of Condominium Ownership for Victoria Court Condominiums (the "Declaration"<sup>1</sup>)  
14 was recorded in the official records of Jackson County, Oregon, as Instrument Number 2004-  
15 075174, by Dion H. Miller, Minerva B. Miller, Alan L. Lynn, Andre B. Feliciano and Elaina T.  
16 Feliciano as Declarants.

17           5.       Thereafter, the real property formerly known as Lots 1, 2, 4, 5, and 6 of Victoria  
18 Court Subdivision became subject to the condominium form of ownership and became known as  
19 the Victoria Court Condominiums ("Condominium").  
20

21           6.       The portions of Lots 1, 2, 4, 5, and 6 of Victoria Court Subdivision other than the  
22 buildings became the common areas of the Condominium.

23           7.       Pursuant to the Declaration, owners of each Condominium unit in each building  
24 became the owners of: (1) their respective unit; and (2) an undivided fractional ownership of the  
25

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26           <sup>1</sup> The defined term "Declaration" includes any amendments to the Declaration.

1 general common elements of the condominium and of those limited common elements  
2 appurtenant to the specific unit, as set forth in the Declaration and any subsequent amendments  
3 thereto.

4 8. WFS and Washington Mutual Bank consented to the Declaration and the  
5 formation of the Condominium and such consent was recorded in the Jackson County real  
6 property records, Instrument Numbers 2004-018232, 2004-033493 and 2004-033494  
7 (collectively, the "Consent").  
8

9 9. After the Declaration was recorded, several subsequent purchasers and secured  
10 parties acquired interests in Condominium units and those common elements located on Lots 2, 5  
11 and 6 of the prior subdivision.

12 10. The subsequently recorded deeds describe each respective interest in terms of  
13 units in a condominium, not lots in a subdivision.  
14

15 11. On April 13, 2010, Defendant Northwest Trustee Services, Inc., as trustee of the  
16 JP Trust Deeds, recorded notices of default and elections to sell Lots 2 and 5 of the Victoria  
17 Court Subdivision, initiating the non-judicial foreclosure of the JP Trust Deeds.

18 12. Because the property descriptions provided in the JP Trust Deeds describe the  
19 scope of the encumbrances in terms of lots, instead of individual units with associated interests in  
20 the common elements, the other parties with an interest in those common elements located on  
21 former Lots 2 and 5 will be foreclosed and the Condominium will effectively be terminated if JP  
22 Morgan concludes its pending non-judicial foreclosures.  
23

24 Conclusions of law:

25 1. This court has subject matter jurisdiction over this matter pursuant to 28 U.S.C.  
26 §§ 157, 1334, United States District Court Local Rule 2100.0, and FRBP 7001. Venue is proper

pursuant to 28 U.S.C. § 1409.

2. Under the recently announced decision in *Stern v. Marshall* 564 U.S. \_\_\_, 131 S.Ct. 2594, 2011 WL 2472792, 180 L.Ed.2d 475 (2011), this bankruptcy court may not enter a final judgment in this matter because it is a matter of state law that has not been resolved in the process of ruling on federal bankruptcy issues.

3. Declaratory relief is appropriate because the parties are in an actual controversy regarding the effect of the Consent on the WFS and JP Trust Deeds.

4. Where a condominium agreement is recorded and a pre-existing mortgage exists, the effect of the consent by a pre-existing mortgage holder is to subordinate its interest to the condominium agreement, thereby changing the pre-existing mortgage holder's property interest to reflect the condominium form of ownership. Therefore, the effect of the Consent is to subordinate the WFS and JP Trust Deeds to the Declaration. Such subordination shall change the property interests secured by the WFS and JP Trust Deeds to reflect the condominium form of ownership, as described in the Declaration and as more specifically described in the proposed form of judgment.

Scheduling Order:


These findings and recommendations will be referred to a district judge. Objections, if any, are due 17 days after entry of these Findings of Fact and Conclusions of Law. If no objections are filed, then the findings and recommendations will go under advisement on that date. If objections are filed, then responses are due 14 days after being served with a copy of the objections. When the responses are due or filed, whichever date is earlier, the finding and recommendations will go under advisement.

###

Below is a Judgment of the Court.

\_\_\_\_\_  
U.S. District Judge

Approved as to form and recommended for entry.

  
\_\_\_\_\_  
FRANK R. ALLEY  
U.S. Bankruptcy Judge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

In re:

Minerva B. Miller;

Debtor(s).

District Court Case No. \_\_\_\_\_

\_\_\_\_\_  
Washington Federal Savings and Loan  
Association,

Plaintiff,

Bankruptcy Case No. 10-63800-fra7

Adv. Pro. No. 11-06058-fra

v.

JUDGMENT

Minerva B. Miller; Stephen P. Arnot, Trustee  
of the Bankruptcy Estate of Minerva B.  
Miller; Northwest Trustee Services, Inc., a  
Washington corporation; JP Morgan Chase  
Bank, National Association; Gene T. Flory,  
Trustee of the Jacqueline M. Flory and Gene  
T. Flory Living Trust; Joseph L. Perrino;  
Amber M. Perrino; First Tennessee Bank  
National Association; Vera Silva; Response  
Mortgage Services, Inc. a Washington  
corporation; RBS Citizens, National  
Association; Alan Lee Lynn; Andre B.  
Feliciano; Elaina T. Feliciano; Alysha Ann  
Jones; Mortgage Electronic Registration

1 Systems, Inc., a Delaware corporation;  
2 GMAC Mortgage, LLC, a Delaware Limited  
3 Liability Company, successor by merger to  
4 GMAC Mortgage Corporation; EverHome  
5 Mortgage Company, a Florida corporation;  
6 HSBC Mortgage Corporation (USA), a  
7 Delaware corporation; and PremierWest  
8 Bank, an Oregon Chartered Commercial  
9 Bank,

10 Defendants.

11 The District Court, upon review of the record and the Bankruptcy Court's findings of fact  
12 and conclusions of law, no timely objection having been made, adopts the Bankruptcy Court's  
13 recommendations and hereby enters final judgment as follows:

14 1. IT IS DECLARED that the consequence of the execution by Washington Federal  
15 Savings and Loan Association of that certain Consent Agreement to Convert Real Property to  
16 Condominiums recorded in the Jackson County, Oregon, real property records as Instrument  
17 Number 2004-018232 was to substitute for the original property described in that certain Deed of  
18 Trust, recorded in the Jackson County, Oregon, real property records as Instrument Number 96-  
19 15241 and related to the property with the street address 20 Dion Court, Shady Cove, Oregon  
20 97539 (the "WFS Trust Deed"), the corresponding portions of the condominium property. The  
21 WFS Trust Deed is hereby declared to have been modified as follows: The legal description  
22 provided in Exhibit A to the WFS Trust Deed, which originally described "Lot 6 of Victoria  
23 Court Subdivision to the City of Shady Cove, Oregon, according to the official plat thereof, now  
24 of record" is deleted in its entirety and replaced with the following:

25 Units 17, 18, 19 and 20, Building F of the Victoria Court  
26 Condominiums, in the City of Shady Cove, Jackson County,  
Oregon, according to the official plat thereof, recorded in Volume  
30, page 78, Plat Records, as set forth in Condominium  
Declaration recorded December 29, 2004 as No. 2004-075174,  
Official Records; together with those limited common elements  
appurtenant to said Units as set forth in the Declaration; and  
together with an undivided fractional ownership of the general  
common elements of said Condominium as set forth in the

1 Declaration and in any subsequent amendments thereto as  
2 appurtenant to said Units.

3 2. IT IS DECLARED that the consequence of the execution by Washington Mutual  
4 Bank of that certain Consent Agreement to Convert Real Property to Condominiums recorded in  
5 the Jackson County, Oregon, real property records as Instrument Number 2004-033493 was to  
6 substitute for the original property described in that certain Deed of Trust, recorded in the  
7 Jackson County, Oregon, real property records as Instrument Number 00-03481 and related to  
8 the property with the street address 60 Dion Court , Shady Cove, Oregon 97539 (the "JP Trust  
9 Deed 3481"), the corresponding portions of the condominium property. The JP Trust Deed 3481  
10 is hereby declared to have been modified as follows: The legal description of the property in JP  
11 Trust Deed 3481, which originally described "Lot Two (2) of Victoria Court Subdivision to the  
12 City of Shady Cove, Oregon, according to the Official Plat Thereof, now of record," is deleted in  
13 its entirety and replaced with the following:

14 Units 5, 6, 7 and 8, Building B of the Victoria Court Condominiums,  
15 in the City of Shady Cove, Jackson County, Oregon, according to the  
16 official plat thereof, recorded in Volume 30, page 78, Plat Records, as  
17 set forth in Condominium Declaration recorded December 29, 2004 as  
18 No. 2004-075174, Official Records; together with those limited  
19 common elements appurtenant to said Units as set forth in the  
20 Declaration; and together with an undivided fractional ownership of  
21 the general common elements of said Condominium as set forth in the  
22 Declaration and in any subsequent amendments thereto as appurtenant  
23 to said Units.

24 3. IT IS DECLARED that the consequence of the execution by Washington Mutual  
25 Bank of that certain Consent Agreement to Convert Real Property to Condominiums recorded in  
26 the Jackson County, Oregon, real property records as Instrument Number 2004-033494 was to  
substitute for the original property described in that certain Deed of Trust, recorded in the  
Jackson County, Oregon, real property records as Instrument Number 00-03482 and related to  
the property with the street address 30 Dion Court , Shady Cove, Oregon 97539 (the "JP Trust  
Deed 3482"), the corresponding portions of the condominium property. The JP Trust Deed 3482

1 is hereby declared to have been modified as follows: The legal description of the property in JP  
2 Trust Deed 3482, which originally described "Lot Five (5) of Victoria Court Subdivision to the  
3 City of Shady Cove, Oregon, according to the Official Plat Thereof, now of record," is deleted in  
4 its entirety and replaced with the following:

5           Units 13, 14, 15, and 16, Building E of the Victoria Court  
6           Condominiums, in the City of Shady Cove, Jackson County, Oregon,  
7           according to the official plat thereof, recorded in Volume 30, page 78,  
8           Plat Records, as set forth in Condominium Declaration recorded  
9           December 29, 2004 as No. 2004-075174, Official Records; together  
10          with those limited common elements appurtenant to said Units as set  
11          forth in the Declaration; and together with an undivided fractional  
12          ownership of the general common elements of said Condominium as  
13          set forth in the Declaration and in any subsequent amendments thereto  
14          as appurtenant to said Units.

11           4.       IT IS DECLARED that the changes set forth above are effective as of the original  
12          date of recording of the Condominium Declaration recorded December 29, 2004 as Instrument  
13          No. 2004-075174 in the Jackson County, Oregon, real property records.

14           5.       IT IS DECLARED that the WFS Trust Deed, the JP Trust Deed 3481 and the JP  
15          Trust Deed 3482, as declared amended herein, remain in full force and effect. The priority of  
16          each such trust deed with respect to other encumbrances on the condominium units and the  
17          undivided interests in the condominium common elements allocated to those units is the same as  
18          each had on the subdivision lots originally described in those trust deeds before recording of the  
19          Condominium Declaration described above.

20           6.       Any enforcement of any beneficiary's rights under the WFS Trust Deed, the JP  
21          Trust Deed 3481 or the JP Trust Deed 3482 shall only be taken in a manner consistent with the  
22          foregoing declaratory relief.

23           7.       Plaintiff shall record a copy of this Judgment in the Jackson County, Oregon real  
24          property records.

25           8.       Each party shall bear its own costs, disbursements, and fees

26                   # # #

1 Presented by:  
2 HERSHNER HUNTER, LLP

3 */s/ Patrick W. Wade*  
4 By: \_\_\_\_\_  
5 Patrick W. Wade, OSB 843725  
6 Of Attorneys for Plaintiff  
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